

Regular Meeting

Agenda Item #	5
Meeting Date	February 9, 2004
Prepared By	Kenneth Sigman
Approved By	Richard M. Finn City Manager

Discussion Item	<p>Technical corrections to recent ordinances:</p> <ol style="list-style-type: none"> 1. Amendment of Chapter 6, Housing, to reduce the minimum number of members on the Commission on Landlord/Tenant Affairs ("COLTA"). 2. Amendment of Chapter 12, Trees and Vegetation, to clarify what constitutes a violation of Article 3, Urban Forest Trees, and to require that fines imposed for the violation of Article 3 be deposited in the City's tree planting fund.
Background	<ol style="list-style-type: none"> 1. <u>COLTA Members.</u> <p>Currently, the Code provides that COLTA "shall have 12 active members," and that "at least one-half of the active members shall constitute a quorum for the transaction of business." Historically, the City has had difficulty filling all twelve COLTA positions. Recently, the Circuit Court ruled that at least six COLTA members are necessary to constitute a quorum, even if COLTA has less than twelve active members.</p> <ol style="list-style-type: none"> 2. <u>Tree Violation Penalties.</u> <p>Currently, the Code does not expressly provide that violation of the conditions of a tree permit or the requirements of a tree protection plan constitutes a Class AA municipal infraction. The proceeds from citations issued for violations of Chapter 12, Article 3, are deposited in the City's General Fund.</p>
Policy	<ol style="list-style-type: none"> 1. <u>COLTA Members.</u> <p>The proposed Ordinance authorizes COLTA to have a range of seven to twelve members. This change would give the City the flexibility to appoint qualified volunteers when they become available, while decreasing the likelihood that the number of Commissioners will drop below the statutory minimum. This change would also increase the likelihood that COLTA will be able to convene a quorum and conduct any necessary business, as the quorum will be based on the actual number of active commissioners, rather than twelve members required under the current statute. For example, if COLTA has only seven active members, then four members would constitute a quorum.</p> <ol style="list-style-type: none"> 2. <u>Tree Violation Penalties.</u> <p>Expressly stating that violations of the conditions of a tree permit or the requirements of a tree protection plan constitute a Class AA municipal infraction will encourage residents and contractors to comply with the City's tree protection law and facilitate enforcement actions. Requiring that the City deposit the fines collected for violations of Chapter 12, Article 3, ensures that the City will use the money to counteract the damage to the urban forest caused by the violations.</p>

Fiscal Impact	
Attachments	Proposed Ordinance.
Recommendation	Vote on the proposed Ordinance at first reading.
Special Consideration	

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Introduced by:

First Reading: February 9, 2004

Second Reading:

Effective Date:

ORDINANCE NO. 2004-

**Technical Amendments to the *Takoma Park Code*,
Chapter 6, Housing, and Chapter 12, Trees and Vegetation**

WHEREAS, the Council is reviewing the provisions of the Takoma Park Code as part of the City of Takoma Park's ongoing recodification project; and

WHEREAS, the Council revised Chapters 6 and 12 of the Code in 2003; and

WHEREAS, the Council has determined that certain technical amendments will facilitate the administration and enforcement of the Chapters.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, that, effective immediately, *Takoma Park Code*, Chapters 5 and 12, are amended as follows.

TAKOMA PARK CODE

CHAPTER 6. HOUSING.

ARTICLE 6. COMMISSION ON LANDLORD-TENANT AFFAIRS.

Sec. 6-600. Establishment.

The City of Takoma Park Commission on Landlord-Tenant Affairs is hereby established. The Commission shall consist of at least seven (7) but no more than twelve (12) active members appointed by the Council. The Council shall make every effort to ensure that the Commission has representation from landlords, tenants and homeowners.

CHAPTER 12. TREES AND VEGETATION

ARTICLE 3. URBAN FOREST

* * *

Sec. 12-312. Violations and penalties; enforcement.

(a) Municipal infractions. Any of the following shall be a Class AA municipal infraction:

~~A 1.~~ Doing any ~~of the~~ acts for which a permit is required under Section 12-303 or 12-304, or performing any such act in relation to a dead or hazardous urban forest tree, without a valid permit or permit waiver applying for a permit, after an application for a permit has been denied, or after applying for a permit but before a permit has been issued, unless a permit waiver covering the act has been issued or the act is described in Section 12-303(b) or 12-304 (b).

B 2. Failure to fulfill any of the requirements of Section 12-309.

~~C 3.~~ Any violation of a decision or order of the Tree Commission, including, but not limited to, the violation or nonperformance of conditions imposed in connection with the issuance of a permit.

4. Any violation of a requirement of a tree permit or tree protection plan.

5. Any violation of a condition imposed in connection with the issuance of a tree permit or tree protection plan permit.

* * *

(f) Fines collected for violations of this article shall be deposited in the City's tree planting fund.

Adopted this _____ day of _____, 2004, by roll-call vote as follows:

Aye:

Nay:

Absent:

Abstain:

Additions to the Code are underlined. Deletions are in ~~strike out~~.